

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OFF-WHITE LLC,

Plaintiff,

-v-

1000PERCENT1000, *et al.*,

Defendants.

21 Civ. 3626 (PAE) (DCF)

ORDER

PAUL A. ENGELMAYER, District Judge:

On April 23, 2021, plaintiff Off-White LLC (“Off-White”) filed a sealed Complaint, which alleges federal trademark counterfeiting; federal infringement of registered and unregistered trademarks; federal false designation of origin, passing off and unfair competition; and unfair competition under New York common law against 1000percent1000 and 29 other merchants on online marketplace platforms such as eBay (the “defendants”).¹ Dkt. 2. That same day, Off-White filed a proposed temporary restraining order (“TRO”), a memorandum of law, and supporting declaration and exhibits. *See* Dkts. 11–13. That same day, the Hon. P. Kevin Castel, United States District Judge, granted the TRO, authorizing Off-White, *inter alia*, to serve each defendant by alternative means, and ordered defendants to show cause before this Court on May 7, 2021 why a preliminary injunction should not issue. *See* Dkt. 14. On April 29, 2021, Off-White served each defendant with process pursuant to the alternative means of service authorized in the TRO, making each defendant’s deadline to answer or otherwise respond May

¹ The full list of defendants is: 1000percent1000, cicada-orange, cisan64, dnpg-ffoos, fly-pe-47, fox-dogwood, good-morning-store, goose redbud, hongshizit603, ins-home36, jinboyanc380_5, likuan01, litia905793, litian-24, liulipingq, lsmsumi777, mantis-quince, mouse-peony, off44ever, panda-hawthorn, sjbnsj, squirrel-ca_25, tiantiany86, tortoise-wisteria, wenjing1, wolf-azalea, yeezyandme, yqc262511_0, zebra-hibiscus and zhongh_55

20, 2021. *See* Dkt. 17; Fed. R. Civ. P. 12(a). On May 7, 2021, the Court held the show-cause hearing, at which all defendants failed to appear. The Court accordingly converted the TRO into a preliminary injunction. *See* Dkt. 6.

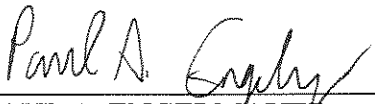
On May 13, 2021, Off-White served each defendant with the preliminary injunction pursuant to the alternative means of service authorized in the TRO. Dkt. 18. No defendant responded to the Complaint or otherwise appeared in this action. On May 20, 2021, the Court referred the case to the Hon. Debra C. Freeman, United States Magistrate Judge, for general pretrial supervision. Dkt. 21. On May 24, 2021, Off-White filed for entry of default as to all defendants with the Clerk of Court. Dkts. 24–25. On May 24, 2021, the Clerk of Court issued certificates of default as to all defendants. Dkt. 26. On June 17, 2021, Off-White filed a motion for default judgment against all defendants, a memorandum of law, affidavit, and exhibits in support, and a proposed order of default judgment. Dkts. 29–32.

On June 22, 2021, the Court ordered any defendant wishing to oppose the motion, by July 20, 2021, to show cause why a default judgment is not warranted. Dkt. 33. On November 8, 2021, the Court referred the case to Judge Freeman for a damages inquest. Dkt. 36. On January 5, 2022, Off-White filed proposed findings of fact and conclusions of law, and an affidavit, exhibits, and memorandum of law in support. Dkts. 40–42.

The Court has reviewed Off-White’s motion for default judgment pursuant to Federal Rule of Civil Procedure 55(b) and supporting affidavit and submissions. Dkts. 29–32. Because proof of service has been filed, each defendant has failed to answer the Complaint, the time for answering the Complaint has expired, and each defendant has failed to appear to contest the entry of a default judgment, the Court enters a default judgment for Off-White against all defendants.

The inquest into damages as to all defendants will proceed before Judge Freeman. Off-White shall serve this Order upon each defendant and file an affidavit reflecting such service on the docket by March 29, 2022. The Clerk of Court is respectfully directed to close the motion pending at docket 29.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: March 22, 2022
New York, New York